

Mayor Mary Cooper called the meeting to order at 7:00 p.m. Also present were Councilmembers Bill Raley, Robert Jurca, Guy Pfalzgraff, and Ed Sisson, along with City Manager Joe Kerby and City Attorney Mike Schottelkotte. A meeting notice was posted in the south window at City Hall at least twenty-four hours prior to the meeting.

Pledge of Allegiance

The Mayor led everyone present in the Pledge of Allegiance.

Changes to the Agenda

There were none.

Minutes

It was moved by Councilmember Sisson and seconded by Councilmember Jurca to approve the minutes of July 19, 2011 as submitted by the Clerk. All in favor, motion carried.

Citizen Comments

There were none.

Agreement to Sell Water to the North Delta Canal Company

Utilities Director Steve Glammeyer reported that he was contacted by the North Delta Canal Company inquiring about the City possibly selling some water to them for the canal. The canal company explained that they have had a problem with a tunnel that has blocked off water. Mr. Glammeyer stated that the City does have the water to sell this year from the Grand Mesa. He explained that the agreement would be for 31 days of water sell. The amount of water would be approximately 613 acre feet. He also explained that the City has ample storage to accommodate this request. This agreement will generate about \$7700.

City Attorney Michael Schottelkotte stated that there are several protective measures that were imported from prior agreements. Jim Brown helped with drafting this agreement.

Councilmember Pfalzgraff commented that this would generate some revenue.

Mayor Cooper also commented that this will help a lot of those fields and gardens that need the water.

City Manager Joe Kerby reminded Council that earlier this spring this canal company did help with getting water to the golf course.

It was moved by Councilmember Sisson and seconded by Councilmember Raley that the City enter into the lease agreement with the North Delta Canal Company for the use of City water on the Grand Mesa and authorize the City Manager to sign said agreement. All in favor, motion carried.

Councilmember Sisson thanked the staff for working on the ditches.

2011 Overlay Bids

Public Works Director Jim Hatheway stated that there were four bids received for the 2011 overlay project. He explained the location of the project to be on 6th and 7th Streets between Main Street and Grand Avenue, 5th Street between Dodge and Meeker Streets, and Meeker Street between 6th and 4th Streets.

Director Hatheway stated that Elam Construction submitted the most favorable bid and staff would recommend awarding the contract to that company.

Councilmember Sisson questioned if this were a budgeted item.

Mr. Hatheway stated that it was budgeted.

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2011 Overlay Bids (cont.)

It was moved by Councilmember Raley and seconded by Councilmember Pfalzgraff to award the contract for the 2011 Street Overlay Project to Elam Construction. All in favor, motion carried.

Contract to Purchase Property: Agricultural Service Company, 521 Bridge Street

Mr. Hatheway recommended moving forward with purchasing the property at 521 Bridge Street. He explained that the business that is located there needs to be relocated due to the fact that when the railroad is realigned it will go through that business. He also explained that they accepted the City's offer of \$360,000.

Mayor Cooper question what that would covers.

Mr. Hatheway corrected that amount as \$260,000.

It was moved by Councilmember Pfalzgraff and seconded by Councilmember Sisson to approve the property acquisition contract with Agricultural Service Company. All in favor, motion carried.

Appointment to CML's 2011-2012 Policy Committee

City Manager Joe Kerby stated that in Council's packets is a letter from CML to various municipalities throughout the State. They are seeking appointments to the policy committee. He explained the commitment requirements if any of the Councilmembers would be interested in serving on this committee. There can be one representative from the City of Delta.

Councilmember Pfalzgraff stated that Mayor Cooper expressed interest in being appointed.

Mayor Cooper replied that the biggest concern she has is that the Western Slope needs to get some representatives on the committee. She stated she would be glad to be appointed to the committee.

It was moved by Councilmember Pfalzgraff and seconded by Councilmember Sisson to appoint Mayor Mary Cooper to the CML's 2011-2012 Policy Committee. All in favor, motion carried.

Discuss November Ballot – Charter Amendment

City Attorney Michael Schottelkotte reported that he is concerned about a charter section. There are a couple of sentences in section 141 that may be insurmountable in certain circumstances. He presented the language to Council. What concerns him is the contract element of this section. He explained that certain providers of services want to provide those services in large blocks or long term. He presented a few examples of concern.

Mr. Schottelkotte contacted CML's staff attorney Rachel Allen to see if there were any analog in city government regarding this. Ms. Allen stated that she did a little independent survey on recently adopted charters and none of them contain anything like section 141. He also contacted former City Attorney John Kappa and he reported that the communities he has worked for does not have a compatible provisions. Mr. Kappa did say that it did create some concern on certain contracts.

Mr. Schottelkotte suggested that the first part of section 141 be either modified or eliminated. He explained that any changes to the charter will have to be presented to the vote of the people. He also presented some ideas on how they section can be changed.

Mr. Kerby presented council with a couple of timelines for the November coordinated election. He stated that he does agree with Mr. Schottelkotte that this section is a concern. Council could consider putting this on the April ballot as well.

Councilmember Jurca stated that further in the section there are exclusions.

Attorney Schottelkotte that interpretation may not work. The section could be more specific about those exceptions; however, it would be difficult to anticipate what exceptions there should be for the future.

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Charter Amendment (cont.)

Mr. Kerby commented that this also creates concerns administratively to figure out which contracts would expire because of unforeseeable changes on the board.

There was discussion regarding some different type of contracts that could be of concern.

Mr. Schottelkotte stated that his concern in adding exclusions would be the fact that they would not come up with all the exclusions and in the future the need to look at this again.

Councilmember Pfalzgraff commented on the language further in the section regarding if Council makes a determination that there is an emergency it would seem to indicate that it could be done.

Attorney Schottelkotte also stated that if you look at the definition of that it's almost like an unforeseeable circumstance. It could be helpful.

Councilmember Pfalzgraff agreed that it needs to be reworked.

Gerald Roberts 1962 Columbine Court, commented that he thought about this particular section when there was discussions earlier in the work session regarding waiving the system improvement fees for the forest service. He stated that it is a very good time for the city to look at the Charter.

Mr. Schottelkotte stated that is was amended in 1975 and he would be interested in knowing what the changes are. He also stated that if Council suspends their own law, that is not a contractible matter as much as a legislative matter.

Manager Kerby questioned if Council feels this is significant enough to proceed with the November election or do they want to consider waiting until the election in April.

There was a consensus amongst Council to wait to put this on the ballot until the next regular election in April 2012.

Forest Service Letter of Support

Manager Kerby stated that at the work session earlier this evening Charlie Richman reported that the Forest Service is attempting to propose constructing a new building in or around Delta. Mr. Richman explained the process earlier. The City has participated in discussions regarding their plans. Mr. Kerby stated that it is now time for the City to provide some level of commitment to the Forest Service such that they can include it in their proposal. There is a letter in Council's packets that was drafted for tonight for Council's consideration. The letter covers many details that were discussed in the work session.

Councilmember Jurca stated that the City can't afford to lose the jobs that the Forest Service provides to this area.

It was moved by Councilmember Jurca and seconded by Councilmember Sisson to authorize the Mayor to sign the Forest Service Letter of Support. All in favor, motion carried.

Delta County Tourism Letter of Support

Mr. Kerby asked Culture and Recreation Director Wilma Erven to present some information regarding the Tourism Board.

Ms. Erven reported that she sits on the Delta County Tourism Board. The board has seen continual growth within tourism in Delta County. It has become apparent to the board that tourism has become an economic contributor to the county. The tourist needs to have someone to contact to get information. Currently there is a part time employee who is working 60 hours a week. The board feels there is a need for a full time employee.

Ms. Erven explained that in Council's packets is a letter that explains in more detail the need for the full time position. The board is asking the cities within the county to support them in trying to build this position so they can increase tourism activities within the county.

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Delta County Tourism Letter of Support (cont.)

Mr. Kerby stated that Al Early contacted him and requested the City put a letter of support together to present to the County.

Ms. Erven answered a few questions from Council.

It was moved by Councilmember Pfalzgraff and seconded by Councilmember Sisson to authorize the Mayor to sign the letter of support for the tourism council's request for a tourism coordinator to work on behalf of tourism events in Delta County. All in favor, motion carried.

City Attorney Comments

Attorney Schottelkotte corrected his earlier comment to Mr. Roberts. He stated that Mr. Roberts may be right in his comment regarding the letter of support for Forest Service.

City Manager Comments

Manager Kerby presented the following updates:

- The City of Delta will be hosting a CML District 10 meeting on October 19th at the recreation center. The Chamber is sponsoring this event.
- Staff is working on the closing for the LaFarge property. A grant writer has been hired to submit a GOCO grant to possibly get reimbursed for a portion of the cost for purchasing this property.

Councilmember Comments

Councilmember Raley commented on the new Sisson Feed and Ranch store as well as the Hibbit's Sport Store. He encouraged everyone to visit those locations.

Mayor Cooper reported that tomorrow evening at 7:00pm there is an Airport Advisory Board meeting. She stated that they will be discussing the transmission line.

Mr. Kerby requested Wilma Erven to present an update on Pow Wow.

Director Erven reported that things are proceeding well. They have sent out invitations to 135 tribes. She was contacted by an individual that stated there is an ad in the Navajo Times.

Ms. Erven also stated that they applied for and received a grant in the amount of \$4000. US Bank has chosen them as their ethnic group and has given them \$2250. She also stated that the vendor slots are half full already. She explained the process for the vendors.

Mr. Kerby requested Utilities Steve Glammeyer to present information on the transmission line.

Mr. Glammeyer reported that there has been a FAA consultant hired to go on site next Tuesday.

The meeting was adjourned at 7:56 p.m.

Jolene E. Nelson, City Clerk